

CHIEF JUDGE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,	)	No. CR 19-203 RSM
	)	
Plaintiff,	)	ORDER GRANTING
	)	STIPULATED MOTION TO PROCEED
v.	)	WITH SENTENCING BY VIDEO
	)	REMOTE HEARING
ANTHONY JACQUES MCKINNEY,	)	
	)	
Defendant.	)	

Anthony McKinney, joined by the United States of America, through his counsel, Terry Kellogg, having filed a stipulated motion for an order authorizing sentencing to proceed by videoconference as presently set December 11, 2020, the Court finds the motion shall be GRANTED because further delays in this case risk “serious harm to the interests of justice.” See General Order No. 04-20 (3/30/20).

The Court further FINDS

As a consequence of the COVID- pandemic, and General Orders 07-20, 08-20 and 11- 20, Mr. McKinney’s sentencing date was subsequently continued to July 17, 2020, August 21, 2020, and November 25, 2020.

Following discussions with his counsel undersigned, Mr. McKinney unequivocally asks to proceed with sentencing as currently set, December 11, 2020, by remote hearing with video conferencing as arranged by the Court. Mr. McKinney has signed, through counsel, a waiver of his personal appearance for purposes of sentencing [Docket N0. 396] and asks the Court proceed with sentencing December 11, 2020.

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2 Pursuant to General Order 04-20, felony sentencing may proceed by video or  
3 telephone conferencing if “the district judge in a particular case finds for specific  
4 reasons that the plea or sentencing in that case cannot be further delayed without  
5 serious harm to the interests of justice.” Through subsequent General Orders, the Court  
6 has extended such procedures until at least January 1, 2021. GO 15-20.

7 The interests of justice are served by proceeding with sentencing of Mr.  
8 McKinney through remote video hearing as set. Health concerns resulting from the  
9 Covid – 19 pandemic may continue to result in extended delays of sentencing. The  
10 conditions of confinement at FDC Seatac are such that Mr. McKinney hopes to avail  
11 himself of the earliest possible placement and transfer to his designated facility so that  
12 he can commence programming under less stringent conditions of confinement that he  
13 has experienced in the past year. These conditions include, limited visitation with his  
14 family in addition to the generally abhorrent conditions of detention at FDC Seatac.

15 The congressional enactment of the Coronavirus Aid, Relief, and Economic  
16 Safety Act (“CARES Act”) provides criminal proceedings, including sentencing, may  
17 proceed by video conferencing given the findings by the Administrative Office of the  
18 United States Courts that the Covid -19 emergency materially affects the functioning of  
19 the federal courts generally and that a felony sentencing in this district under Rule 32 of  
20 the Federal Rules of Criminal Procedure cannot be conducted in person without  
21 seriously jeopardizing public health and safety. See GO 04 – 20 at 2 and CARES Act §  
22 15002(b)(2)(A). Such remote hearings have taken place from the Federal Detention  
23 Center in this district for several months.

24 Based upon the findings set forth above the Court FINDS further delay would  
25 cause “serious harm to the interests of justice,” and does therefor  
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1 ORDER sentencing shall proceed on December 11, 2020 by way of remote  
2 video court hearing.

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4 DATED this 3<sup>rd</sup> day of December, 2020.

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7 RICARDO S. MARTINEZ  
8 CHIEF UNITED STATES DISTRICT  
9 JUDGE  
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